



State of Idaho
DEPARTMENT OF HEALTH AND WELFARE
Division of Environmental Quality

1410 N. Hilton
Boise, Idaho 83706

CECIL D. ANDRUS
Governor
RICHARD P. DONOVAN
Director

November 16, 1990

CERTIFIED MAIL # P 085 186 555

Mike Rosa
Zilog, Incorporated
2601 11th Avenue North Exit
Nampa, ID 83651

Dear Mike Rosa:

Enclosed is the Consent Order based on the Department of Health and Welfare's September 26, 1990 Notice of Violation issued to Zilog Incorporated (Zilog). The Consent Order reflects the agreements which were reached during the Zilog compliance conference. Please sign the Consent Order and return it to me by December 4, 1990.

If you have any questions, please call me at 334-5879.

Sincerely,

Brian R. Monson, Manager
Compliance Section
Hazardous Materials Bureau

BRM/kh

cc: John McCreedy, Attorney General's Office
Mike Silverman, EPA Boise

Enclosure



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IDAHO DEPARTMENT OF HEALTH AND WELFARE

IN THE MATTER OF)

Zilog, Incorporated)
Nampa, Idaho)

CONSENT ORDER
Idaho Code § 39-4413

1. Pursuant to Idaho Code § 39-4413 (Idaho Hazardous Waste Management Act of 1983 (HWMA)), the Idaho Department of Health and Welfare (Department) enters into this Consent Order, enforceable under Idaho Code §§ 39-4413 and 39-4414, with Zilog, Incorporated, (Zilog) located in Nampa, Idaho.
2. Zilog, as part of its operations, generates and stores hazardous waste. On June 20, 1990 the Department conducted a routine inspection of the Zilog facility, located at 2601 11th Avenue, Nampa, Idaho, to ascertain compliance with the HWMA and the Rules, Regulations and Standards for Hazardous Waste, IDAPA §§ 16.01.5000 to 16.01.5999. The inspection found potential violations of the Rules, Regulations and Standards for Hazardous Waste.
3. By Notice of Violation (NOV) dated September 26, 1990 the Department notified Zilog of these violations. The Department provided Zilog with the opportunity for a compliance conference to discuss correction of the violations and entry into a Consent Order with the Department. The NOV is incorporated into this Consent Order by reference.
4. On October 25, 1990 a compliance conference was held. Zilog responded to each violation cited and presented actions taken or proposed to achieve compliance with the Rules, Regulations and Standards for Hazardous Waste.
5. Zilog agrees to the provisions of this Consent Order and the following terms and actions in order to resolve the violations listed in the NOV:

Violation No. 1

- a. Zilog shall keep containers of hazardous waste closed at all time during storage, except when it is necessary to add or remove waste.

- b. Zilog shall mark the date upon which each period of accumulation begins on each container of hazardous waste. The date shall be clearly marked and visible for inspection.
- c. Zilog shall clearly mark or label each container of hazardous waste with the words "Hazardous Waste."

Violation No. 2

- a. All personnel involved in the management and transportation of hazardous waste shall complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures compliance with the hazardous waste management rules and regulations.
- b. Zilog shall maintain the job title for each position at the facility related to hazardous waste management and the name of the employee filling each job.
- c. Zilog shall maintain a written job description for personnel involved in hazardous waste management. The job description must include the requisite skill, education, or other qualifications and duties for facility personnel assigned hazardous waste management duties.
- d. Zilog shall maintain records documenting that the required training or job experience has been given to and completed by personnel with hazardous waste management duties.
- e. Zilog shall maintain aisle space to allow unobstructed movement of personnel, fire protection equipment, and spill control equipment to any area of the facility.
- f. Zilog shall maintain a contingency plan that describes actions facility personnel will take in response to fires, explosions, and unplanned sudden or non-sudden releases. The plan must contain procedures for the emergency coordinator to follow to identify the character, source, amount, and extent of released materials.
- g. Zilog shall maintain a contingency plan that contains procedures for the emergency coordinator to follow in assessing direct and indirect health and environmental hazards.

- h. The Department shall dismiss alleged Violation No.2 (h) listed in the September 26, 1990 NOV based on information provided by Zilog during the compliance conference.
- i. Zilog shall maintain a contingency plan that includes alternate emergency evacuation routes.
- j. Zilog shall amend their contingency plan to reflect changes in the emergency and alternate emergency coordinators.

Violation No. 3

Zilog shall mark all satellite accumulation containers with words identifying their contents or with the words "Hazardous Waste."

Violation No. 4

- a. For tank systems without secondary containment, Zilog shall maintain a written assessment reviewed and certified by an independent, qualified, registered professional engineer attesting to the tank system's integrity.
 - b. Continuous feed hazardous waste tanks shall be equipped with overfilling prevention controls such as sensing devices, level alarms, or automatic feed cutoff devices.
6. **PENALTY** - Zilog shall pay a civil penalty of Three Thousand Nine Hundred Fifty Nine Dollars (\$3,959) within ninety (90) days of the effective date of this Consent Order. The payment shall be by check, shall be made to the Idaho Department of Health and Welfare and shall be deposited into the Hazardous Waste Emergency Account created by Idaho Code § 39-4417.
7. All communication required by this Consent Order shall be addressed to:
- Brian R. Monson, Manager
Compliance Section
Idaho Department of Health and Welfare
Division of Environmental Quality
Hazardous Materials Bureau
1410 No. Hilton - Second Floor
Boise, Idaho 83706
8. This Consent Order shall not relieve Zilog from its obligation to comply with any of the provisions of the HWMA, Rules, Regulations and Standards for Hazardous Waste, or other applicable local, State or Federal law.

9. This Consent Order shall bind Zilog, its successors and assigns until such time as the terms of the Consent Order are met and the Consent Order is terminated in writing by the Department.
10. Zilog expressly recognizes that failure to comply with the terms of this Consent Order may result in a district court action for specific performance of the Consent Order, civil penalties, assessment of costs, restraining orders, injunctions and other relief available under Idaho Code §§ 39-4413 and 39-4414.
11. The effective date of this Consent Order shall be the date of signature by the Director of the Idaho Department of Health and Welfare.

DATED THIS _____ day of _____, 1990

Zilog, Incorporated

Authorized Representative

DATED THIS _____ day of _____, 1990

IDAHO DEPARTMENT OF HEALTH AND WELFARE

RICHARD P. DONOVAN, DIRECTOR